

In June 2004, as directed by statute, the District of Columbia Sentencing Commission began to assist the Superior Court in implementing voluntary sentencing guidelines on a pilot basis. When the pilot program ends in November 2006, the Commission will submit a report to the Council that assesses whether the sentencing guidelines system is achieving its objectives of promoting fair and consistent sentences while reducing unwarranted disparity. In the chapters that follow, the Commission reports on the early progress of the pilot program after more than one year of operation.

Chapter I discusses guidelines implementation and monitoring, and highlights some of the public feedback regarding the guidelines. To help ensure consistency, Commission staff offers technical assistance and training to criminal justice personnel who apply the guidelines. The staff also develops and revises written materials to improve the interpretation of the guidelines. To monitor these changes, staff trouble-shoots guideline reporting and monitors actual sentencing to gather and analyze as much data as possible before the end of the pilot program. Regarding feedback, judges and attorneys have noted positive effects (reducing disparity, increasing sentencing predictability, facilitating plea bargaining, reducing case disposition time) that appear to be related to the guidelines and have also made suggestions for improvement. Over time, the Commission can use this and other information to determine if any changes to the existing system are warranted.

Chapter II reports some preliminary findings on judicial compliance with the sentencing guidelines. Although a detailed review of most offense categories cannot be conducted for at least one more year, the Commission is able to report some encouraging data. The preliminary evidence suggests that guidelines are having their intended effect of reducing unexplained variability in sentences, at least for drug crime sentences. Furthermore, compliance rates are high, with 90 percent of the sentences within the applicable sentencing options and guideline range.

Chapter III highlights some of the broader trends following the transition from indeterminate sentencing to determinate sentencing in 2000. This Chapter provides information on more than 10,000 “new law” cases between January 2001 and September 2005. The analysis indicates that the incarceration rate for felony offenders increased from 2001 (58 percent) to 2004 (79 percent), and remains high in 2005 (77 percent). Importantly, the incarceration rate increase has been accompanied by shorter periods of imprisonment. The proportion of sentences below 36 months has increased, while sentences above 36 months have decreased.

Finally, in Chapter IV, the Commission lays out some of its ongoing activities for the coming year and beyond. Sentencing commissions throughout the country can serve numerous functions as adjuncts to legislatures, courts and executive branch agencies. This Chapter briefly highlights several possible functions for the D.C. Sentencing Commission, including making impact assessments for sentencing changes and providing sentencing information to the public.